

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. This Amendment should be entered under Rule 116 because it places this application in condition for allowance.

Applicants thank Examiner Lopez for the courtesies extended to Applicants' representatives during the August 11, 2011, telephone interview. The indication that "[i]f the 'maintain' language was modified to indicate that it is maintained at all times when the fluid supply means is activated, then this would overcome the prior art rejections of Hiraki et al and Nikolaus" is noted with appreciation. See Interview Summary of August 11, 2011.

By this Amendment, the specification is amended. Independent claims 34 and 47 are amended in view of the Examiner's suggestions. Claims 65-66 are added to provide the Applicants a scope of protection to which the Applicants are believed entitled. Claims 34-56, 58-60, and 65-66 are pending in this application.

Objection to the Specification

The specification is objected to as noted in the Office Action. See Office Action, page 3. In response, the specification is amended to even better describe the disclosed method and apparatus. Thus, the concerns addressed in the Office Action are believed resolved, and withdrawal of the objection to the specification is respectfully requested.

Rejection under §112

Claims 47-56 and 58 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. In particular, it is asserted in the Office Action that "supplying pressurized fluid to both the extend and the retract chambers" appears to be wrong. See Office Action, page 4. Independent claim 47 is amended to replace, among other things, "supplying pressurized fluid to both the extend and the retract chambers" with "supplying pressurized fluid to the actuator." Therefore, the concerns addressed in the

Office Action are believed resolved, and independent claim 47 and its dependent claims 48-56 and 58 are now in compliance with the requirements set forth for 35 U.S.C. §112, second paragraph. Withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. §102

Claims 34-45 and 47-56 are rejected under 35 U.S.C. §102(b) as being anticipated by *Hiraki* (US 2003/0097837). The rejection is believed overcome for at least the reasons discussed below.

Amended independent claim 34 recites, among other things, “a fluid supply means arranged to supply pressurized fluid to both the extend and the retract chambers, to maintain, at all time the fluid supply means is operative, a pressure of the pressurized fluid in the extend chamber to be substantially the same as a pressure of the pressurized fluid in the retract chamber.” As agreed by the Examiner during the interview of August 11, 2011, *Hiraki* fails to describe this feature, and thus *Hiraki* does not describe an embodiment falling within the scope of claim 34.

For at least this reason, *Hiraki* does not anticipate independent claim 34 or its dependent claims 35-45.

Amended independent claim 47 recites, among other things, “maintaining, by using a fluid supply means at all time the fluid supply means is operative, a pressure of the pressurized fluid in the extend chamber to be substantially the same as a pressure of the pressurized fluid in the retract chamber.” For at least the reason similar to the one advanced above for independent claim 34, *Hiraki* does not anticipate independent claim 47 or its dependent claims 48-56.

In view of the above, withdrawal of the rejection under § 102 is respectfully requested.

Rejections under § 103

Claim 46 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Hiraki* in

view of *Nikolaus* (US 4,928,487). The deficiencies of *Hiraki* were addressed above. Moreover, as agreed by the Examiner during the interview of August 11, 2011, *Nikolaus* fails to remedy the above-mentioned deficiencies of *Hiraki*. Therefore, *Hiraki* and *Nikolaus* as applied in the Office Action fail to render independent claim 34 and its dependent claim 46 obvious. Withdrawal of the rejection is respectfully requested.

Claims 34-45, 47-56, 58-61, and 63 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Background Section of the as-field application ("*Background*") in view of *Hiraki* and *MacLeod* (US 6,520,731). The deficiencies of *Hiraki* were addressed above. The *Background* and *MacLeod* appear to be silent regarding "a fluid supply means arranged to supply pressurized fluid to both the extend and the retract chambers, to maintain, at all time the fluid supply means is operative, a pressure of the pressurized fluid in the extend chamber to be substantially the same as a pressure of the pressurized fluid in the retract chamber," as recited in independent claim 34 and similarly recited in independent claim 47, and *Background* and *MacLeod* thus do not remedy the above-mentioned deficiencies of *Hiraki*. Therefore, *Hiraki*, *Background*, and *MacLeod* as applied in the Office Action fail to render independent claims 34 and 47 and their respective dependent claims obvious. Withdrawal of the rejection of claims 34-45, 47-56, 58-61, and 63 under § 103 is respectfully requested.

New Claims

New claims 65 and 66 depend from independence claims 34 and 47, respectively. For at least the reasons presented above, claims 65 and 66 are believed patentable over applied references.

Conclusion

It is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicants' attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: November 28, 2011
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